

MEMORANDUM OF LAND RESTRICTIONS FOR DAM OR RESERVOIR

THIS MEMORANDUM made this ____ day of _____, 20____, by _____, (OWNER), and the Maryland Department of the Environment, Water Management Administration, (MDE)

WITNESSETH, that under Environment Article, Section 5-508(b) Annotated Code of Maryland:

- (1) Any term, condition, regulation, or restriction imposed on an appropriation or use of waters of the State or on a reservoir, dam, waterway obstruction, or change in the course, current or cross section of any stream, through a permit issued pursuant to this subtitle, shall be binding on the owner of the permitted land or facility at the time such permit is issued and on any heirs, successors, or assigns of the owner's interest in the land or facility.
- (2) As a condition of permit issuance or renewal under this subtitle to construct, reconstruct, change, add to, or repair any dam or reservoir, the Department shall require the owner of the permitted land or facility to record, in accordance with sections 3-102 and 3-103 of the Real Property Article, a memorandum prepared by the Department of the terms, conditions, regulations, or restrictions applicable to that land or facility. The recording shall be at the expense of the landowner.

WHEREAS, OWNER has title to property located at _____, in the ____ Election District of [County] County, designated in the Tax Records for [County] County as map ____, parcel ____, plat ____, and being that same property acquired by OWNER by deed of _____, 20____, and recorded in the Land Records for [County] County, Maryland, at Liber ____, Folio ____.

WHEREAS, MDE has issued a waterway construction permit to OWNER, which document is expressly incorporated by reference herein, and designated as Waterway Construction Permit No. [WMA Permit Number] effective on _____ to [construct, repair, etc.] [Name of Dam or Pond] on the above described property.

OWNER hereby agrees to abide by the following conditions:

1. OWNER shall comply with Title 5, Subtitle 5, Sections 5-501 through 5-514, Environment Article, Annotated Code of Maryland, as amended from time to time.
2. OWNER shall comply with COMAR 26.17.04.01 through 26.17.04.13 as amended from time to time.

3. OWNER shall comply with all terms, conditions, and restrictions applicable to the above-described property as contained in or attached to Permit No. [WMA Permit Number] as amended or modified from time to time.

4. OWNER acknowledges that any heirs, successors, or assigns of the OWNER's interest in the above described property or facility are bound by conditions 1, 2, and 3 above, under Section 5-508(b) of the Environment Article, Annotated Code of Maryland.

5. OWNER shall allow MDE to record this Memorandum at OWNER's expense in accordance with Sections 3-102 and 3-103 of the Real Property Article, Annotated Code of Maryland, as amended from time to time, in the Land Records for [County] County as a condition of Permit No. [WMA Permit Number] or the renewal of Permit No. [WMA Permit Number].

6. The MDE, or its successor, shall maintain a permanent copy of Waterway Construction Permit No. [WMA Permit Number] at the offices of the Water Management Administration, 1800 Washington Boulevard, Suite 440, Baltimore, Maryland 21230.

This Memorandum is not based upon monetary consideration.

IN WITNESS WHEREOF the undersigned set their hands and seals this ____ day of _____, 20____.

Witness

BY _____ (SEAL)
Owner (Type name here:)

Witness

BY _____ (SEAL)
Owner (Type name here:)

STATE OF MARYLAND, COUNTY OF _____

Before me, the undersigned, a notary public for the State and County aforesaid, personally appeared _____, on this ____ day of _____, 20____, who made oath in due form of law that the matters contained in the foregoing Memorandum are true to the best of his/her their information, knowledge, and belief.

My Commission Expires _____

Notary Public

I certify that I am licensed to practice law in the State of Maryland and that I prepared and approved this document for form and legal sufficiency.

Assistant Attorney General